

Remarks/Arguments

Claims 1, 3 - 4, 6 - 13 and 18 are pending in the application, and claims 1, 3 - 4, 6 - 13 and 18 are rejected. Claim 1 is objected to and claims 8 - 9 and 18 are rejected under 35 U.S.C. § 12, second paragraph. Claims 8, 9 and 18 have been amended to obviate and dispense with the rejection under 35 U.S.C. § 12, second paragraph. New claim 19 has been added, and the limitations of new claim 19 are drawn from the cancelled subject matter of previously presented claim 9. No new matter has been added.

Independent claim 1 has been amended to obviate and dispense with the objection as suggested by the Office Action, and has been further amended to incorporate the structure associated with and by which the claimed method steps are performed, as intimated by the Office Action. (See 07/28/2011 Office Action, p. 4, 1st sentence). Support for the amendment to claim 1 is drawn from Page 6, lines 17 - 27 as well as the overall disclosure of Page 6, line 17 - Page 7, line 8 of Applicant's Specification and Fig. 2 of Applicant's Drawings. The foregoing amendments are fully and completely supported by Applicant's Specification and Drawings as originally filed, and no new matter has been added.

Claims 1, 3 and 4 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ricklefs et al. (US Patent 5,632,153) (hereinafter "Ricklefs") in view of Kobussen et al. (US Patent 6,245,369) (hereinafter "Kobussen"). Claims 6 - 8 and 18 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ricklefs in view of Kobussen as applied to claims 1, 3 and 4 and further in view of Keil et al. (US 3,073,702) (hereinafter "Keil"). Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Ricklefs in view of

Kobussen and Keil as applied to claim 8 above, and further in view of Hignett et al. (US 4,536,313) (hereinafter "Hignett"). Claim 10 is rejected under 35 U.S.C § 103(a) as being unpatentable over Ricklefs in view of Kobussen and Keil as applied to claim 8 above, and further in view of Barber et al. (US 2003/0183092) (hereinafter "Barber"). Claims 11 - 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ricklefs in view of Kobussen as applied to claims 1, 3 and 4 and further in view of Riordan (US 4,094,237). The rejections will be addressed in turn below.

Independent claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ricklefs in view of Kobussen. Applicant cannot agree because Ricklefs and Kobussen fail to combine to directly disclose or suggest each and every step of amended independent claim 1. Claim 1, as amended requires, in part, "wherein the aqueous salt solution is automatically monitored by an automated monitoring and adjustment device which measures the concentration of a specific substance of the collected aqueous salt solution; and wherein the quality of the aqueous salt solution is automatically adjusted by an intelligent control unit of the automated device." Ricklefs and Kobussen fail to combine to provide any direct disclosure or suggestion of the steps of either providing automatic monitoring of an aqueous salt solution by measuring a specific substance of the solution or providing automatic adjustment of an aqueous salt solution, let alone doing so by an automated monitoring and adjustment device or an intelligent control unit, respectively.

Kobussen's teaching is not directed to providing any disclosure of these steps, as the Office Action relies on Kobussen solely to meet the limitations of making sausages by

co-extrusion. (See 07/28/2011 Office Action, p. 4, 1st full paragraph).

Ricklefs is unable to cure the remaining limitations of Applicant's amended independent claim 1. Instead, as provided in Applicant's previous response, Ricklefs is limited to disclosing a processing arrangement 10 which includes a brine cleansing system 12. (See Ricklefs, col. 4, line 27 - col. 6 line 18). Specifically, in Ricklefs' disclosed system, used brine is drained into a storage tank 40, conveyed to a filtration unit 50 configured to remove contaminants and separating suspended solids, and is thereafter is conveyed to a refrigerated brine storage tank 58. An automatic turbidity monitor can then be positioned in the conduit 56 conveying the brine to the refrigerated storage tank 58 to monitor and record the turbidity of the brine.

Ricklefs fails to provide any disclosure of the brine cleansing system 12 automatically monitoring the used brine by any automated device which measures the concentration of any specific substance therein, as required by amended independent claim 1. Ricklefs furthermore provides no disclosure whatsoever of any intelligent control unit of an automated device which automatically adjusts the quality of the used brine, as further required by Applicant's amended independent claim 1.

Specifically, Ricklefs provides no disclosure beyond teaching that "it may be necessary during the operation of the recirculating chilling circuits to supply additional brine to the chilling circuits to provide a constant brine volume or add salt or brine of a different salinity to maintain the desired salinity of the brine in the circuits." (col. 4, lines 20 - 26). Furthermore, other than disclosing "an

automatic turbidity monitor can be positioned in the conduit 56 to measure and record the turbidity of the brine" (at col. 5, lines 23 - 25), Ricklefs provides no disclosure whatsoever of the steps of automatically measuring the concentration or adjusting the quality of the used brine. Additionally, Ricklefs is silent with respect to any disclosure of any specific automatic monitoring and adjustment device or intelligent control unit of an automated device which is capable of meeting these limitations or performing these specific steps as required by Applicant's amended independent claim 1.

As a final matter, the Office Action advances the position that the previously presented version of amended claim 1 fails to claim any specific apparatus associated with the monitoring and control system. (See 07/28/2011 Office Action, pp. 4, 8). In addition to the newly presented limitations of claim 1 reciting the structure of an automated monitoring and adjustment device, contrary to the Office Action's position, the previously presented version of claim 1 indeed recited that the quality of the salt solution is monitored by an intelligent control unit, an element which is not addressed as being taught by Ricklefs. Furthermore, even assuming, for the sake of argument, the validity of the assertion that control systems are well known, any such generally known systems nonetheless fail to combine with the inadequate disclosure of Ricklefs to meet the pertinent limitations of claim 1. In addition, and once again assuming *arguendo* that general control systems may be known, any such general knowledge of any control system is nonetheless incapable of meeting the specific steps and functionalities of Applicant's claimed automated monitoring and adjustment device

and intelligent control unit as required by amended independent claim 1, and no reference has been cited to the contrary.

Therefore, on the basis of the foregoing remarks, each and every element of Applicant's amended independent claim is not directly disclosed or suggested by the combination of the cited Ricklefs and Kobussen references, and thus Applicant respectfully requests that the rejection be withdrawn. Furthermore, claims 3 - 4, 6 - 13 and 18 - 19 depend upon and incorporate the limitations of amended independent claim 1, either directly or indirectly, and Applicant respectfully requests that the rejections of these claims be withdrawn at the very least due to their dependence upon amended independent claim 1.

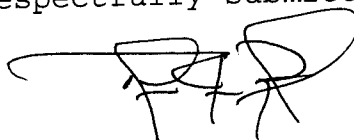
CONCLUSION

Based upon the above, Applicant asserts that claims 1, 3 - 4, 6 - 13 and 18 - 19 are in a condition for allowance and respectfully requests the same.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a large, stylized flourish extending from the end of the signature.

Timothy J. Zarley, Reg. No. 45,253

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ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- JLH/WRT/jlk/bjs -